

8/29/14

Case # 12 CR 802 (KBF)

Courtroom 15A

Complaint # 2012-047-08180 !!

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Dear, Judge Katherine B. Forrest.

I have a few issues before trial that I would like to resolve. I was looking over your decision of my motion to suppress the cellular phones. It was said that the seizure was correct because they believed the cell phones belonged to Accilien. They being the Federal Agents. That is without merit and only speculation because it was 3 cellular phones that was seized not 2. 2 of the phones were logged into the inventory of items seized (Samsung & Huawei), but the HTC Evo was left out. Its contents was searched without a warrant and findings merged with the Huawei phone. It was established that 4 people slept in the same room the cell phones were found the night before the FBI raided. All occupants were present during the raid, yet the FBI took 3 cell phones believing all belonged to Accilien. I think not, especially when none of the phones turned out to be Accilien's, the target of the Arrest warrant at 832 South Oak Dr, Bronx NY. My HTC Evo's memory card was searched without a warrant and was attached to the Huawei metro pcs phone, which it doesn't work for. During cross examination →

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the actual seizure of the cell phone was never fully discussed and cross examined. Another reason you gave for my cell phone seizure being correct is that I was being arrested for guns & drug charges, which give them probable cause to seize the phones. When I was arrested on June 4, 2013 I was processed through the State. I was not arrested Federally, but my cell phones were processed Federally. It was asked at the Bronx Robbery Squad precinct if my case would be prosecuted Federally and the answer was no. Not only did the Federal Agents take my phones but they took Mackenzie Bruno's phone, who is not be prosecuted at all (Samsung). If Gregory Accilien was being so co-operative during the arrest, why didn't the officers asked who the phone belonged to during the seizure. It was said that it was during the interview of Gregory Accilien who was answering all their questions the Agents saw the cell phones in "Plain View". They took 3 cell phones believing they belonged to someone who was co-operating. Since the house where the arrest & seizures were made. I was not a suspect when the FBI Raided 832 South Oak Dr with a warrant for Gregory Accilien. Neither was there proof of me being involved in drug trafficking. I would →



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Cross examine the Federal agents on all these issues.

Another issue I'm having is that all my papers pertaining to my case has a false name as the complainant. The Evidence Log and even the DNA results has this false name as the complainant (Eugene Brown). During my co-defendants fatigues hearing (pg 89 Line 19 - pg 90 Line 9). The complainant's real name is Patrick James, I don't know why a federal complaint would be pursued with an alias name for a complainant. This would bring issues in the future because after the District Attorney established that Eugene Brown was a false name procured through identity theft, the name was continued to be in use as the complainant in papers such as my DNA results. I figured if the FEDS were going to use an alias it would be with the real name with the A.K.A. right by it (Patrick James A.K.A. Eugene Brown). In reality Eugene Brown did not make these complaints. Eugene Brown is probably a victim of identity theft. That's being to indict me in the Federal Court of law. Identity theft is a federal crime, but using a false name that was used for identity theft to make a federal complaint is not? I'm asking for a motion and motion hearing to dismiss all complaints made by Eugene Brown.

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Thank You for reading and addressing my issues. I look forward to an answer before trial. All I want is a fair trial and so far I am being relieved of that.

Sincerely,

8/29/14

David Deba.

P.S. I went over with some of these issues with my lawyer and was not satisfied with the response. That is why I turn to you.